

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (EASTERN DIVISION)**

In re:

BRITTANY TONI HARRIS,

Debtor.

BRITTANY TONI HARRIS,

Plaintiff,

v.

U.S. DEPARTMENT OF EDUCATION;
AIDVANTAGE ON BEHALF OF
DEPARTMENT OF EDUCATION LOAN
SERVICES; NELNET; AMERICAN
EDUCATION SERVICES; EDUCATION
CREDIT MANAGEMENT
CORPORATION,

Defendants.

: Chapter 7

: Case No. 23-05852

: Adv. Pro. No. 23-00114

: **ANSWER OF EDUCATIONAL CREDIT
MANAGEMENT CORPORATION TO
ADVERSARY COMPLAINT**

ANSWER

Defendant, Educational Credit Management Corporation (“ECMC”)¹, for its

Answer to the Adversary Complaint of Plaintiff, Brittany Toni Harris, states as follows:

1. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Complaint.
2. ECMC denies the allegations set forth in Paragraph 2 of the Complaint.
3. ECMC admits this court has jurisdiction to hear this adversary proceeding.

¹ Above-named defendant, Nelnet, is a lender and/or servicer of the student loan that is the subject, in part, of Plaintiff’s Complaint. Because federal regulations prohibit lenders/servicers from holding interests in student loans that are subject to a bankruptcy adversary proceeding, Nelnet filed a claim under the loans’ guaranty with American Student Assistance (“ASA”). By agreement, ASA assigns its loans that are subject to an adversary proceeding to ECMC for defense.

4. ECMC denies the allegations in paragraph 4 of the Complaint to the extent it does not account for the fact that the Court is bound to follow the law.

5. ECMC admits only that Plaintiff is “claiming” that which is set forth in her Complaint.

6. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Complaint.

7. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Complaint.

8. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Complaint.

9. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Complaint.

10. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 10 of the Complaint.

11. ECMC lacks sufficient information and knowledge to form a belief as to the truth of the allegations set forth in Paragraph 11 of the Complaint.

12. ECMC admits only that Plaintiff is “requesting” discharge of her student loans; ECMC denies that such discharge is required or permitted under the law.

WHEREFORE, for the above and foregoing reasons, Educational Credit Management Corporation requests that judgement in this matter be entered in its favor, with costs.

Respectfully submitted,

Educational Credit Management
Corporation,

By: /s/ Saskia Nora Bryan
One of its Attorneys

Saskia Nora Bryan, ARDC No. 06255682
LATIMER LeVAY FYOCK LLC
55 W. Monroe Street, Suite 1100
Chicago, Illinois 60603
(312) 422-8000
(312) 422-8001 (fax)
Email: sbryan@llflegal.com

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on June 8, 2023, the foregoing Answer to Complaint was filed via the U.S. Bankruptcy Court for the Northern District of Illinois CM/ECF electronic document filing system, and that notice and service of the foregoing was also served via email on the following party of record:

Brittany Toni Harris
BrittanyToniHarris@gmail.com

/s/ Saskia Nora Bryan